

CITY OF BURIEN, WASHINGTON MEMORANDUM

DATE: April 16, 2015

TO: Burien Planning Commission

FROM: David Johanson, AICP, Senior Planner

SUBJECT: Introduction and Presentation of Amendments to BMC Chapter 19.40, Critical Areas

PURPOSE

The purpose of this agenda item is for the Planning Commission to review a preliminary draft of the proposed amendments to BMC 19.40, Critical Areas.

Staff and our consultants will be presenting the proposed changes in detail at your meeting. We encourage all members to ask for clarifications and/or questions in preparation for the public hearing and subsequent recommendation to the City Council.

BACKGROUND

Over the past number of years the City has been working to update its comprehensive plan to comply with changes to the state Growth Management Act (GMA), regional and county plans. Updates to both the policy (comprehensive plan) and development regulations must be completed by June 2015. The City has completed the mandatory policy updates and has now transitioned to updating the applicable working development regulations, specifically the critical areas regulations found in BMC Chapter 19.40.

On March 23, 2015, the City Council and Planning Commission participated in a joint study session serving as an introduction to the topic of updating the critical areas section of the zoning code. The presentation by staff and our consultants provided an overview of the Growth Management Act requirements and best available science, as well as a summary of the gap analysis completed in 2012. You may find these presentations on the City web page created by staff specifically for this update process (www.burienwa.gov/index.aspx?nid=1062). The presentation in March concluded that generally our critical areas regulations are in alignment with the GMA requirements; however, updates to some sections will be necessary to comply with state law. It was proposed that the forthcoming efforts will be focused on only a few topical areas. There was no new or alternate direction given at the March 23, 2015, joint meeting.

Since that meeting staff has been working with our consultants to prepare draft amendments for your consideration. The amendments included in the attached drafts also address preliminary comments we received from the Department of Ecology. Attached you will find the first draft of the proposed amendments to the zoning code. (see Attachment 1)

DOCUMENT SUMMARY

Multiple documents have been prepared to assist in the update process and they are briefly described below.

- 1) **BMC Chapter 19.40** – the document includes changes in standard track change style. In addition we have included comments so the reader can see the justification/rational for any given change. (see Attachment 1)
- 2) **Critical Areas Ordinance, Summary of Changes** – The proposed text amendments have been included in a matrix format and categorized by change type as described above. (see Attachment 2)
- 3) **Wetland Buffer Width Requirements and Options Memo** – A memo prepared to provide further detail regarding wetland buffer options. This will be a specific topic of discussion at your meeting. (see Attachment 3)
- 4) **Critical Areas Ordinance Update, Addendum to BAS and Gap Analysis Reports** – An addendum to update the BAS and Gap Analysis Reports completed in 2011 and 2012, respectively. (see Attachment 4)

CATEGORIZATION of AMENDMENTS

To aid in your deliberation process, the Summary of Changes (Attachment 2) document has been categorized into topical themes. The purpose of categorizing the topics is to make a clear distinction between those text changes that are more administrative in nature, such as reformatting, and those more substantive changes, including items such as changes to buffers based on best available science. Topical theme areas 1 (required/discussion) and 3 (content change/protective regulations) contain predominately substantive changes, while the others (2, 4 and 5) tend to be more administrative and ministerial in nature. The five themes are described as follows:

- 1) **Required Amendments (Discussion)** – These are amendments necessary to comply with the Growth Management Act and the associated best available science requirement. Options have been developed and we recommend that the Commission have extended discussions on these topics.

The Wetland Buffers – A memo has been specifically prepared to outline options regarding the best method to apply best available science (see Attachment 3).
- 2) **Content Change (Administrative)** – Includes text changes involving code content applying to administrative and development regulations. Administrative-related text changes generally include formalizing current administrative practices such permitting processes and issuance of decisions.
- 3) **Content Change (Protective Regulations)** – Changes in text that alter protective regulations. Generally, the changes improve/enhance protections to critical areas through requirements such as including mitigation sequencing (similar to SMP), improving protective fencing and critical area notice sign requirements, and stream buffer widths.
- 4) **Document Organization Amendments** – These proposed amendments do not change text in the code but primarily reorganize the document. The objective of these amendments is to make the document more user friendly and to ensure all necessary sections are located in a logical order and in the proper location, or remove sections that are located elsewhere in the Burien Municipal Code. The draft document contains a decent amount of reorganizing; however, please be aware that much of the text will remain the same.

- 5) **Editorial Amendments** – Primarily these include amendments pertaining to formatting, wording clarity, internal code references and definitions.

NEXT STEPS

The following is a schedule of the upcoming meetings along with the agenda topics.

May 13, 2015

- Public Hearing on Amendments to BMC Chapter 19.40, Critical Areas
- Discussion regarding Amendments to BMC Chapter 19.40, Critical Areas

May 27, 2015

- Planning Commission Discussion and Recommendation regarding BMC Chapter 19.40, Critical Areas

ACTION

No action is required at your meeting; however, questions and dialog are strongly encouraged.

Attachments:

- 1) DRAFT - BMC Chapter 19.40, Critical Areas, includes definitions, April 16, 2015
- 2) DRAFT - Critical Areas Ordinance, Summary of Changes, April 16, 2015
- 3) Wetland Buffer Width Requirements and Options Memo, April 15, 2015
- 4) Critical Areas Ordinance Update, Addendum to Best Available Science and Gap Analysis Reports, March, 25, 2015